

REMARKS

Summary of Office Action

Claims 1-61 are pending in the above-identified patent application. Of those, claims 22-61 have been withdrawn as being directed to nonelected inventions.

The Examiner has finally rejected claims 1-21 under 35 U.S.C. § 102(b) as being anticipated by Kosaka et al. U.S. Patent 5,161,103.

The Examiner also made the earlier restriction requirement final.

Applicant's Response and Summary of Personal Interview

Applicant sought a personal interview with the Examiner to discuss the final rejection. Because the Examiner is on leave until after the final extended due date for reply to the final rejection, the Examiner's Supervisory Primary Examiner, Mr. Vincent Millin, agreed to conduct the interview. The interview took place on June 8, 2006 at the Patent and Trademark Office, with the undersigned and SPE Millin participation in person and applicant Crane participating by telephone.* The undersigned wishes to thank SPE Millin for the courtesies extended during the personal interview.

As explained during the personal interview, applicant continues to believe that Kosaka neither shows nor suggests the claimed invention, for the reasons set forth in the previous reply. In short, there is no disclosure in Kosaka of comparing data variations during an interval to expected data variation during that interval, let alone to variation that is expected based on Brownian motion. In fact, there is no mention at all in Kosaka of comparing the data to

* Because of inclement weather, Mr. Crane was unable to fly from California to the Patent and Trademark Office as planned.

anything at all, just as there is no mention of Brownian motion. During the personal interview, SPE Millin agreed that there was no comparison as claimed by applicant in Kosaka.

It is axiomatic that anticipation requires that each and every claimed element be present in the reference. Because that is not the case here, applicants claims should be patentable.

SPE Millin also agreed to review the restriction requirement.

Conclusion

For the reasons set forth above, applicant respectfully submits that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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